

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:	§	
	§	
EXIOM SITE SERVICES, LLC,	§	
D/B/A SOUTHERN STAR	§	CASE NO. 16-40401
EXCAVATIONS AND	§	(Chapter 7)
DEMOLITION,	§	
Debtor	§	
SPAWGLASS CONTRACTORS, INC,	§	
Movant	§	
	§	
V.	§	
	§	
EXIOM SITE SERVICES, LLC,	§	
D/B/A SOUTHERN STAR	§	
EXCAVATIONS AND	§	
DEMOLITION,	§	
Debtor	§	
	§	
AND	§	
	§	
CHRISTOPHER MOSER,	§	
Trustee	§	

**ORDER GRANTING SPAWGLASS CONTRACTORS, INC.'S
MOTION TO COMPEL CHAPTER 7 TRUSTEE TO ASSUME OR
REJECT EXECUTORY CONSTRUCTION CONTRACTS [DOC. NO. 16]**

On March 11, 2016, a Motion to Compel Chapter 7 Trustee to Assume or Reject Executory Construction Contracts (the “Motion”) was filed by SpawGlass Contractors, Inc. (the “Movant”) in the above-referenced case. The Court finds that the Motion was properly served pursuant to the Federal and Local Rules of Bankruptcy Procedure and that it contained the appropriate twenty-one (21) day negative notice language, pursuant to LBR 9007, which directed any party opposed to the granting of the relief sought by the Motion to file a written response within twenty-one or the Motion would be deemed by the Court to be unopposed. The Court finds that no objection or

other written response to the Motion has been timely filed by any party. Due to the failure of any party to file a timely written response, the allegations contained in the Motion stand unopposed and, therefore, the Court finds that good cause exists for the entry of this following order.

IT IS THEREOFRE ORDERED that the Motion of SpawGlass Contractors, Inc. to Compel Chapter 7 Trustee to Assume or Reject Executory Construction Contracts filed on March 11, 2016 is thereby GRANTED so as to Compel the Chapter 7 Trustee to Assume or Reject the Executory Construction Subcontracts known as the University of Texas – Dallas Parking Garage Project and the Tarrant County Precinct 1 Maintenance Facility Contracts, between Movant and Debtor, to be assumed or rejected;

IT IS FUTHER ORDERED that, since the Trustee has indicated his intent to reject the construction subcontracts and does not intend to assume them, the two construction subcontracts between Movant and Debtor are hereby deemed rejected.

IT IS FURTHER ORDERED that, since the Motion was unopposed by any party, the fourteen (14) – day stay shall not be applicable to this Order.

Signed this ____ day of _____ 2016.

BRENDA T. RHOADES,
CHIEF UNITED STATES BANKRUPTCY JUDGE

SUBMITTED AND ENTRY REQUESTED:

/s/ Craig E. Power

Craig E. Power, Counsel for Movant
SpawGlass Contractors, Inc.

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